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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/101,846	07/17/1998	LOTHAR FINZEL	P-981197	1129

7590

06/25/2002

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EXAMINER

HENRY, JON W

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 06/25/2002

37

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/101,846

Applicant(s)

FINZEL ET AL.

Examiner

Jon W. Henry

Art Unit

2872

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-47, 49, 50, 53, 56-71 and 74-80 is/are pending in the application.
- 4a) Of the above claim(s) 2-47, 49, 50, 53 and 56-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74-76 and 79 is/are rejected.
- 7) ☒ Claim(s) 77, 78, and 80 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2002, has been entered.

### *Election/Restrictions*

2. Applicant's election with traverse of Group 1 and species (a) in Paper No. 13 is again acknowledged. Claims 2-47, 49, 50, 52, 53, and 56-71 stand finally withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 79 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The reference to "said closure body comprising an arcuate base section" is unclear. The phrase is probably intended to relate to the "domed" base 5 of Fig. 6, but it is not clearly descriptive of that feature.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 74-76 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finzel.

Finzel discloses an optical fibre transmission system comprising a cable closure with a cable body 1, cable lead-in spigot pipes 5, a sealed closure cover 4, cable pipes 25 and cables 25. Cable pipes 25 may be sealed in spigots 5, as by a bushing seal (see Finzel, page 4, lines 10-13). One would expect such a pipe to be tightly fitted to seal properly. Although Finzel does not disclose how pipe 25 is secured to pipe section 5, adhesive bonding would have been obvious as a conventional securing means that would assure the desired relationship at all times during shipping and use, regardless of tolerance of manufacture. Additionally, although Finzel does not disclose splice organizations, splice organizations are conventional in cable connection and storage systems of coiled cables and therefore such would have been obvious. Further, welding, soldering, and adhesive bonding are all conventional pipe joining techniques and therefore any of them would have been obvious, barring a showing to the contrary.

With regard to claim 79, a cylindrical base, as shown by Finzel, broadly defines an "arcuate base section" in terms of a circular cross-section.

5. Claims 75 and 76 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Finzel, as applied to claims above, and further in view of Grenier.

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If a reference really be considered required to demonstrate the conventionality and obviousness of welding, soldering, and/or adhesive bonding for pipe connections, then Grenier clearly provides such teachings (see, e.g., column 1, lines 10-15 or Grenier).

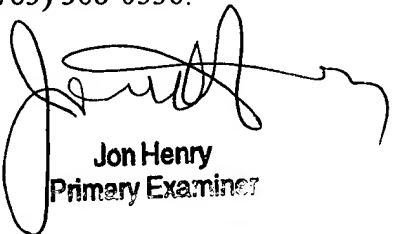
***Allowable Subject Matter***

6. Claims 77, 78, and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter. The prior art does not teach or fairly suggest an optical transmission system as set forth in dependent claims 77, 78, and 80. See, for example, the primary reference to Finzel and the secondary reference to Grenier that fail to suggest the various features of those dependent claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon W. Henry whose telephone number is (703) 305-6106. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

  
Jon Henry  
Primary Examiner